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(ii) As otherwise provided by agency procedures; or

(3) Need not verify SAM registration before placing an order or call if the contract or agreement includes the provision at 52.204-7, System for Award Management, or the clause at 52.212-4, Contract Terms and Conditions—Commercial Items, or a similar agency clause, except when use of the Governmentwide commercial purchase card is contemplated as a method of payment. (See 32.1108(b)(2).)

(b) If the contract action is being awarded in accordance with 4.1102(a)(5), the contractor is required to be registered in SAM within 30 days after contract award, or at least three days prior to submission of the first invoice, whichever occurs first.

(c) Agencies shall protect against improper disclosure of information contained in SAM.

(d) The contracting officer shall, on contractual documents transmitted to the payment office, provide the unique entity identifier, or, if applicable, the Electronic Funds Transfer indicator, in accordance with agency procedures.

83 FR 48695, Sept. 26, 2018]

4.1104 Disaster Response Registry.

Contracting officers shall consult the Disaster Response Registry via <https://www.sam.gov>, Search Records, Advanced Search, Disaster Response Registry Search when contracting for debris removal, distribution of supplies, reconstruction, and other disaster or emergency relief activities inside the United States and outlying areas. (See 26.205).

[74 FR 52849, Oct. 14, 2009, as amended at 77 FR 188, Jan. 3, 2012; 83 FR 48695, Sept. 26, 2018]

4.1105 Solicitation provision and contract clauses.

(a)(1) Insert the provision at 52.204-7, System for Award Management, in all solicitations except when the conditions in 4.1102(a) apply.

(2) Insert the provision at 52.204-7, System for Award Management, with its Alternate I when the solicitation is anticipated to be awarded in accordance with 4.1102(a)(5).

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(b) Insert the clause at 52.204-13, System for Award Management Maintenance, in solicitations that contain the provision at 52.204-7, and resulting contracts.

[83 FR 48695, Sept. 26, 2018]

Subpart 4.12—Representations and Certifications

SOURCE: 69 FR 76345, Dec. 20, 2004, unless otherwise noted.

4.1200 Scope.

This subpart prescribes policies and procedures for requiring submission and maintenance of representations and certifications via the System for Award Management (SAM) to—

(a) Eliminate the administrative burden for contractors of submitting the same information to various contracting offices;

(b) Establish a common source for this information to procurement offices across the Government; and

(c) Incorporate by reference the contractor's representations and certifications in the awarded contract.

[69 FR 76345, Dec. 20, 2004, as amended at 72 FR 36854, July 5, 2007; 78 FR 37678, June 21, 2013; 79 FR 70341, Nov. 25, 2014; 84 FR 19841, May 6, 2019]

4.1201 Policy.

(a) Offerors and quoters are required to complete electronic annual representations and certifications in SAM accessed via <https://www.sam.gov> as a part of required registration (see FAR 4.1102).

(b)(1) All registrants are required to review and update the representations and certifications submitted to SAM as necessary, but at least annually, to ensure they are kept current, accurate, and complete. The representations and certifications are effective until one year from date of submission or update to SAM.

(2) A contractor that represented itself as a small business prior to award of a contract must update the representations and certifications in SAM in accordance with 52.219-28. A contractor that represented itself as other than small business before contract award and qualifies as a small

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business may update its representations and certifications in SAM in accordance with 52.219–28.

(c) Data in SAM is archived and is electronically retrievable. Therefore, when a prospective contractor has completed representations and certifications electronically in SAM, the contracting officer must reference the date of SAM verification in the contract file to satisfy contract file documentation requirements of 4.803(a)(11). However, if an offeror identifies changes to SAM data pursuant to the FAR provisions at 52.204–8(d) or 52.212–3(b), the contracting officer must include a copy of the changes in the contract file.

(d) The contracting officer shall incorporate the representations and certifications by reference in the contract (see 52.204–19, or for acquisitions of commercial items see 52.212–4(v)).

[83 FR 48696, Sept. 26, 2018]

4.1202 Solicitation provision and contract clause.

(a) Insert the provision at 52.204–8, Annual Representations and Certifications, in solicitations, except for commercial item solicitations issued under FAR part 12. The contracting officer shall check the applicable provisions at 52.204–8(c)(2). Use the provision with its Alternate I in solicitations issued after October 1, 2022, that will result in a multiple-award contract with more than one North American Industry Classification System code assigned (see 19.102(b)). When the provision at 52.204–7, System for Award Management, is included in the solicitation, do not separately include the following representations and certifications:

(1) 52.203–2, Certificate of Independent Price Determination.

(2) 52.203–11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.

(3) 52.203–18, Prohibition on Contracting with Entities that Require Certain Internal Confidentiality Agreements or Statements—Representation.

(4) 52.204–3, Taxpayer Identification.

(5) 52.204–5, Women-Owned Business (Other Than Small Business).

(6) 52.204–17, Ownership or Control of Offeror.

(7) 52.204–20, Predecessor of Offeror.

(8) 52.204–26, Covered Telecommunications Equipment or Services—Representation.

(9) 52.209–2, Prohibition on Contracting with Inverted Domestic Corporations—Representation.

(10) 52.209–5, Certification Regarding Responsibility Matters.

(11) 52.209–11, Representation by Corporations Regarding Delinquent Tax Liability or a Felony Conviction under any Federal Law.

(12) 52.214–14, Place of Performance—Sealed Bidding.

(13) 52.215–6, Place of Performance.

(14) 52.219–1, Small Business Program Representations (Basic, Alternates I, and II).

(15) 52.219–2, Equal Low Bids.

(16) [Reserved]

(17) 52.222–18, Certification Regarding Knowledge of Child Labor for Listed End Products.

(18) 52.222–22, Previous Contracts and Compliance Reports.

(19) 52.222–25, Affirmative Action Compliance.

(20) 52.222–38, Compliance with Veterans' Employment Reporting Requirements.

(21) 52.222–48, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Certification.

(22) 52.222–52, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Certification.

(23) 52.223–1, Biobased Product Certification.

(24) 52.223–4, Recovered Material Certification.

(25) 52.223–9, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (Alternate I only).

(26) 52.223–22, Public Disclosure of Greenhouse Gas Emissions and Reduction Goals—Representation.

(27) 52.225–2, Buy American Certificate.

(28) 52.225–4, Buy American—Free Trade Agreements—Israeli Trade Act Certificate (Basic, Alternates I, II, and III).

(29) 52.225–6, Trade Agreements Certificate.